C.S.102 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 3206 /2004

PETITIONER : Jogiram Bhargav S/o. Pakalu Ram Suryavanshi, Aged about 45 years, R/o. Village Ratanpur, Distt. Surguja (Chhattisgarh)

P.R. No. 3212/04
Presented by Shri Mahaj Tarampe
dated 13-9-04

VERSUS

RESPONDENTS :

1] State of Chhattisgarh
Through: Secretary,
Home Department, State of C.G.
D.K.S. Bhawan, Raipur (C.G.)

2] Police Station Incharge,
Police Station Masturi, Lormi,
Distt. Bilaspur (C.G.)

3] Ramkumar Gupta, S/o. Badru,
Aged about 50 years, R/o. Ramepur, Lormi, Police Station Lormi, Distt. Bilaspur (C.G.)

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13/9/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(40)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3206 of 2004

Petitioner — Jogiram Bhargav

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Manoj Paranjape, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the respondents/State

ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, while working as Head Constable in Bilaspur district, was transferred to Dantewada district, on the same terms and conditions vide impugned transfer order dated 2.8.2004 (P/4).
2. This Court, vide interim order dated 20.09.2004, has stayed the impugned order dated 2.8.2004 (P/4) till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the vaiidity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu